261-22

[G.R.S. IX—5]

Previous references:
do 166-21 (1-6)

1922.

(do)

File No. 261-22

Serial Nos. 2—4.

Later references:
do dep't No 71-23
24-23 (1-3)
(11-5)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for July 1923

SUBJECT

Resolution of Hon. N. S. Nariman dated Bombay Legislative Council re. regarding modification in the rate of mileage to witnesses attending Civil Courts

G. O. No. P. 504-5 dated 25-7-23 to the Comptroller

Prescribed the rates of mileage to witnesses in Civil Courts

Manuscript Signed

3/8/23.

Resolution to be moved at the meeting of the Mysore Legislative Council on 18.9.1922

5. By Mr. N.S. Nanjundiah.-

1) This Council recommends to the Government that Government Notification No. J.4361/Cts.146-21-6 dated 15th March 1922, prescribing rates of Batta to witnesses in Civil Cases, published in Part I of Mysore Gazette dated 23rd March 1922, be suitably modified in respect of mileage rate for journey by road where there is no public conveyance plying for hire, so as to reduce it to a maximum of twice the rates previously existing, as the new rates will result in undue hardship to the parties so as to make Civil Court litigation almost prohibitive in many cases.

2) This may be sent to the Courts Section for a report in the note with reference before 12.9.22

Done 8.9.22 Sgn 9/9

3) Send with a draft to the Legs. Department

& 9/9/22 Sgn 9/9

4) Issue Sgn up. Cir 9.9.22

To the Legs. Department

Letter no 1972 dt 9.9.1922

(11) Forwards for opinion after perusal of the proposed resolution of Mr. N.S. Nanjundiah on the modification in the rate of mileage to witnesses attending Civil courts.

G. R. S. III-2]

General and Revenue Secretariat.

CS File No. 26P of 1922

Serial No.

1) The old rates of mileage referred to are given on page 26 of the Civil Digest and it is reproduced below:

"For every day's attendance at the Court and for every day's journey of ten miles to and from the Court a fraction of ten miles exceeding 5 miles being reckoned as ten miles, witnesses of the 1st class will be entitled to receive Rs 2/- those of the second class one Rupee, those of the 3rd class 8 annas and those of the 4th class 4 annas."

2) The present rate is 8 annas per mile for the 1st class witness, 4 annas per mile for the second and 2 annas per mile for the 3rd class witness.

3) For eg. if a third class witness travels 16 miles he will get according to the old rules Rupee one and according to the new rules Rupees Two. He/She wants to revise.

Submitted for orders

8/ Formerly the batta paid did not make a distinction between travelling & subsistence allowance. Amount paid covered both & 10 miles was considered as entitling to a days' batta. This

Serial No.

was not satisfactory and the two were separated. The mass now accepts the principle, but in places where there is neither Railway or public conveyance, wants a reversion to the old method, but with an increased rate. In that case only, he would have a combination of travelling + subsistence allowance, though he is prepared for a bifurcation in the other two cases. No doubt the proposition will be cheaper to parties in most cases, but so far as witnesses go, will not pay for their journey. In case the distance is within 5 miles, no travelling allowance may be allowed, so far as 3rd class witnesses are concerned, if such allowance is necessary. They will usually claim about 10 annas as mileage, in addition to 8 annas as subsistence allowance. In principle however, the recommendation is right. Much the rules involve cost is true. Opinion of the Ct. is also called for

2nd member)

9) The Asst Secretary will please dispose this with the Govt.

10) Letter accordingly put up. Govt 11/9

11) 11/9 Sent with a copy

G. R. S. III-2,

1446

General and Revenue Secretariat.

OS File No. 262 of 1922

Serial No.

(2) At the meeting of the Legislature on 18-9-22, the Resolution was moved. The Hon. Mr. Chaya Chetiar stated that he would leave the question raised by him for decision at once into the hands of the Second member.

(3) The file may be returned to the Legislature for further action. Submitted

20.9.22

(4) Submitted for orders. The publication of the Proceedings of the last meeting of the Legislature may perhaps be awaited. —

Apr 1922

(5) The member replied that the Chief Court will be consulted again. Submitted for orders if the Chief Court may be addressed for a reconsideration

Asst Secy

Gaz 1922

(6) Please put up for consideration draft showing new points that arise for consideration which are not covered by the letter of the Registrar of the Chief Court dated 11th Sept. 22

A-S 13/10/22

cwg 13/10

OS 1846

Note on the resolution of Mr.N.S.Nanjundiah re witness batta.

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(7) The resolution which Mr.Nanjundiah has moved relates to a small matter, viz. a slight revision of the rules issued by the Government recently revising the scale of batta ~~to allow~~ allowable to witnesses in civil courts. Under these rules three classes of witnesses are created as against four under the old rules and the rates of mileage allowed for journeys other than by a railway or public conveyance are 8, 4 and 2 annas according as the witness belongs to the 1st, 2nd or 3rd class. Mr.Nanjundiah wants these rules to be revised so that the total amount allowed to a witness ~~xxxx~~ on account of mileage may not exceed twice the rates allowed under the old rules. There is a slight inaccuracy in the wording of his resolution for there were no separate mileage rates under the old rules. A witness was getting one consolidated allowance which included both the cost of journey and subsistence allowance. However I need not quarrel over words. The substance of the resolution is that the mileage rates should be suitably reduced. The mileage rates are by no means excessive They are quite in conformity with modern conditions. I had them worked out in a few cases and compared them with the rates under the old rules and here is the result:-

(8) For places within 3 miles and those over 5 but below 11 miles from the Court House, the present rates are a distinct advantage to the parties. Between 3 and 5 miles and 11 and 15 miles, there is a slight loss and above 15 miles it is again profitable to the parties up to a certain stage and so on.

(9) So it cannot be said that these rules are unduly favourable to witnesses. It is true that on the whole the costs in a suit on account of attendance of witnesses will be greater under the new rules than under the old rules

and

G. R. S. III-2]

General and Revenue Secretariat.

3794. 11246

File No. P 261 of 1922 P

Serial No.

22) Submitted with a draft.

23) The Registrar's letter of 11-9-22 deals with the Resolution in general terms & does not deal with the merits of the proposal in detail.

24) Draft based on the Asst Secy's note dt 11-9-22 is put up.

Asst 18/4/20 Gen Secy 24/4

25) The draft is forwarded for consideration

Second Recorded 23/12/22

26) Draft approved. Secy 5/1/23

27) Issue. 5/1/23

Secy 6.1.23

(28) The Registrar, Chief Court no. P. 50/3 dt 11.1.23

Requests to forward the further opinion of the Judges.

Secy

(29) Redesp. Enclosure. Letter no Rev 814 dt 20.1.23

States that certain information re the working of the new rules has been asked for and that the Chief Court will be in a position to furnish opinion by the beginning of March.

Reminder will issue after March 7th or 8th if not submitted for perusal

25/1/23 Asst Secy

30) Gen Secy

19 JAN 1923

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

3794 P 5282 P

25 File No. 261 of 19 22

Serial No.	
4730 1.2.23	30) Draft remainder (two reminders) put up as desired. 31.1.23
	31) Draft reminder put up as the promised reply has not yet been received. 17.4.23 1714
	32) Issue Remr. No P/D 300 dtd 18.4.23
	(41) The Addl. Dist. Judge Bangalore's Letter no Roc 8168/1923 dtd 14.4.23 states that the Dist. Judge Bangalore has not yet furnished his opinion in the matter and that a reply will be sent as soon as the report is received.
	33) No reply has yet been received. A draft reminder is put up 18/6
	34) Issue 18/6
	35) Reminder not issued as the reply has been received. 16.6.23

G. R S. III-2]

General and Revenue. Secretariat.

6118/P

9

Cs File No. 261 of 1922

Serial No.	
	From
(3)	The Registrar, High Court Letter no Roc 814 d/- 13-6-1923 States that the judges accept the suggestion to disallow travelling allowance to Third class witnesses in the cases in which the distance to be travelled is within 5 miles from the Courts House with certain exceptions and forwards a draft notification amending the notn of the 15th March 1922 for ~~approval~~ issue if approved. Sub-d 2) Perhaps it is implied that first and second class witnesses will not be given any travelling allowance if they come from within a distance of 5 miles as they will have their own conveyances. 3) The opinion of the judges as regards the reversion to the old rates ~~where~~ in places where there are no railway communication or motor buses has not been given. Sub-d for orders. 4) The amendment proposed may be accepted. It is perhaps desirable to adopt ~~the same exception~~ some relief in the case of the other two classes, who

Quite the course I should take

16/6/23

16/6

G. R. S. III-2]

6116/P

General and Revenue Secretariat. | File No. 261 of 19

Serial No.

may be supposed to use a conveyance, by 'Changing' the mileage to daily batta, when the distance is under 5 miles. This would be cheaper to parties &c. What is proposed by Mr Nanjundia. The amendment to which the Chief Court are agreeable may however, be adopted at once.

Chief Secy.

cay. - 19.6

134 6.7.23

39) The amendment proposed may be adopted

by 22/6

cay 22/6

2nd Member

Agreed

Mr

14/7

by 16/7

cay 16.7

Taken for R.A. subject no 57. (Revision of witness batta to witnesses appearing in civil courts)

Returned to the Personal Asst to the Hon'ble Member of Council

17/7

Secretary.

The draft notification forwarded by the Chief Court is submitted for orders - Draft may please

cay 20/7

19/7

4 Th The Commissioner in S. & Chief Court's notn. no. P. 504 & 25.7.23 prescribing rates of batta to witnesses in Civil Cases.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to——————

General and Revenue Secretariat

(.)

, the *191* .

Date of issue 9/9/22

Signed by—— for Chief.

Section 45

File No.

Serial No.

No. 1992

To —

The Legislative Council

Sir

I am directed to forward herewith the accompanying resolution proposed to be moved by Mr. N. S. Varayan during the ensuing Legislative Council meeting re the amendment of the rate of ~~batta~~ mileage in the scale of batta ~~fixed~~ to witnesses attending Civil courts and to request you to kindly obtain and forward the opinion of the Judges of the Civil court in the matter on or before the 12th ~~Sep~~ October instant.

I have the

Chief

9/9

for Secy

9/9/22 Post 9/9

-19

No. General and Revenue Secretariat

Bangalore, September 1922.

From

B.Venkoba Rao Esq.,B.A.,

General Secretary to Government.

To

A Srinivasaraghavachar Esq.,B.A.,B.L.,

Registrar, Chief Court of Mysore.

Sir,

I am directed to forward herewith the accompanying resolution proposed to be moved by Mr.N.S.Nanjundiah, during the ensuing Legislative Council meeting re the amendment of the rates of mileage in the scale of batta to witnesses -- attending civil courts and to request you to kindly obtain and forward the opinion of the Judges of the Chief Court in the matter on or before the 12th instant.

I have the honor to be,
Sir,
Your most obedient servant,

For General Secretary to Govt.

"This Council recommends to the Government that Government Notification No.J.4361/Cts.146-21-6 dated the 15th March 1922 prescribing rates of batta to witnesses in Civil cases published in Part I of the Mysore Gazette dated the 23rd March 1922, be suitably modified in respect of mileage rate for journey by road where there is no public conveyance plying for hire, so as to reduce it to a maximum of twice the rates previously existing, as the new rates will result in undue hardship to the parties so as to make civil court litigation almost prohibitive in many cases."

KNN.2.

R E S O L U T I O N S

1 By Mr. H. Krishna Rao.

This Council recommends to Government that fresh elections be directed to be held to fill up all vacancies caused by invalidity of election of all members to the Representative Assembly due to their belated candidature, as in cases of filling up of vacancies caused by other circumstances and without imposing condition that 25% of voters concerned should make a representation.

2. By Mr. M. Ramachandra Rao.-

That this Council recommends to Government that a Committee consisting of official and non-official members be at once appointed (1) to investigate the scope of journalism in the State, (2) to find out how far the existing newspapers satisfy the legitimate needs of the country and (3) to determine what should be done to bring into existence sufficient number of newspapers of the right kind to meet the requirements of the present time.

3. By Mr. G. Paramasiviah.-

That this Council recommends to Government that they may be pleased to appoint selection Committees to assist the Heads of Government Colleges, Collegiate High Schools and Technical Institutions in the Selection and admission of students into those institutions.

4. By Mr. Mahommed Abbaskhan.

That this Council recommends that the Government of His Highness the Maharaja of Mysore may be pleased to grant this House and the Mysore Representative Assembly the privilege of voting on the Annual Budget.

5. By Mr. M.S. Nanjundiah.

This Council recommends to the Government that Government Notification No. J.4361/Cts.146-21-6 dated 15th March 1922, prescribing rates of Batta to witnesses in Civil Cases, published in Part

Part I of Mysore Gazette dated 23rd March 1942, be suitably modified in respect of mileage rate for journey by road where there is no public conveyance plying for hire, so as to reduce it to a maximum of twice the rates previously existing, as the new rates will result in undue hardship to the parties so as to make Civil Court litigation almost prohibitive in many cases.

By Mr. M. Subbiah.-

With a view to more effectually and equitably carry out the policy of Government to assure adequate representation of all communities in Government Service as announced in their orders on the Miller Committee Report this Council recommends to Government that future vacancies in the Gazetted ranks and non-gazetted ranks of the service be filled up by nomination of qualified candidates of the main backward communities in proportion to their population.

17288

W, Dis: No: 33 of 22-23

CHIEF COURT OF MYSORE

Bangalore, dated 11th Sept: 1922

12 SEP 1922

From

A. Srinivasa Raghavachari, Esquire, B.A., B.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

B. Venkoba Rao, Esquire, B.A.;
Secretary to the Government of Mysore,
General Department, Bangalore.

S i r,

I am directed to acknowledge receipt of your letter No.P.1972/Cts., dated the9th September 1922, forwarding a resolution regarding witness batta paid in civil cases, proposed to be moved by Mr.N.S.Nanjundiah during the ensuing Legislative Council meeting and requesting opinion of the Judges of the Chief Court in the matter.

2. In reply I am to state that the scale of witness batta in civil cases was fixed only in March 1922 after careful consideration and after consulta-

tion

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to——————

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 11/1/23

Signed by Sd/ J. A Spinks

Section C15

File No.

Serial No

No. P 5613

To

The Registrar Legislative Council

Sir,

In reference to your letter No. P. Dis. 33 dt. 11.9.1922 in the matter of resolution of Mr. V. S. Narayanaswami Naidu, member Legislative Council, regarding witness batta paid in Civil cases, I am directed to observe as follows.

1-1-D

The mover Mr. V. S. Narayanaswami has accepted the principle of separating travelling and subsistence

over.

Formerly the batta paid did not make a distinction between travelling and subsistence allowance. The amount paid covered both and 10 miles was considered as entitling to a day's batta.

allowance in the case of witnesses
to witnesses in civil cases. But
in places where there are
Railways or public Conveyances it
would be a reversion to the old
practice, with an increased rate.
In that case only, he would
have a combination of travelling
and subsistence allowances, though
he is prepared for a departure
in the other two cases if thus suggested
the rates will be
in this case, to cheaper to
parties in most cases, though, so
far as witnesses go, it will not
pay for their journey. In case
the distance is within five
miles, no travelling allowance
may be allowed so far as 3rd
Class witnesses are concerned, if
at all any concession is necessary.
At present they will walk the distance
and claim about 10 annas as
mileage in addition to 8 annas
as subsistence allowance.

If the new rules are considered
unduly favorable to the
witnesses the an [illegible]
that may [illegible]
made, if [illegible]
to parties in cases,
not to allow any
allowance to third class
witnesses in cases in which
the distance to be travelled
is within five & miles.

List of enclosures.

Copied by

Examined by

I am to request that in the light of the above remarks, Mr Nanjundayya's proposal may be reconsidered by the Judges of the Sadr Court with a view to their [illegible] the matter
~~the above observation may be placed before the Judges of the Sadr Court with a view to their considering whether the rules require amendment.~~

8

From
A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore,
BANGALORE.

9094

No. 874 Dated 20th January 1923.

To
G. Aravamudu Iyengar Esqr, B.A,B
Secretary to Government,
(General Department)
Bangalore.

Sir,

I am directed to acknowledge the receipt of your letter No.P 5613/ Cts dated the 11th January 1923 requesting reconsideration by the Judges of the Chief Court, of the proposal made by Mr.N.S. Nanjundia, member Legislative Council, regarding witness batta paid in Civil Cases.

I am to state in reply that information as to the working of the rules dated 15th March 1922 on the subject, is being called for from subordinate courts and that the Chief Court will only be in a position to furnish the opinion asked for, after that information is available, by the beginning of March next.

I have the honor to be,
Sir,
Your most obedient servant,
22/1/23
Registrar.

2963

6118 P. 20

CHIEF COURT OF MYSORE

Bangalore, dated 13th June 1923.

Telegraphic Address. "JUSTICE"

No. 814

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.,A., B.L.,
4263 Registrar, Chief Court of Mysore.

To

K. Matthan Esq., B. A.,
Chief Secretary to Government of Mysore,
Bangalore.

SIR, 15 JUN 1923

I am directed to acknowledge the receipt of your letter No. P. 5613/Cts. dated 11th January 1923 requesting that the proposal of Mr. N. S. Nanjundiah, member, Legislative Council, regarding the reduction of witness batta paid in civil cases may be reconsidered by the Judges of the Chief Court in the light of the remarks in the said letter.

2. In reply, I am to state that the Judges accept

DRAFT NOTIFICATION. 15 261-22-4

No P. 504 .....dated 25th June 23. 22

Under the provisions of Rule 2, Order XVI of the Code of Civil Procedure 1911, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following be inserted after note 4 in Government Notification No. J. 4361/Cts. 146-21-6 dated 15th March 1922, prescribing rates of batta to witnesses in civil cases:-

"EXCEPTION":

Witnesses of the third class are not entitled to any travelling allowance, but only to subsistance allowance, in cases in which the distance to be travelled is within five miles of the Court-House; provided that where a witness of this class is unable to walk owing to infirmity or old age or a conveyance is actually used, the Court may grant a mileage at the usual rates or the actual charges for the conveyance whichever is less."

By Order,

Draft "

M. cwj

29 P-T-0 Chief Secretary to the Govt. of Mysore.

~~Chief~~ Secretary to the
Government of Madras.

To

[illegible]

[illegible]

[illegible]